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AUG - 5 2006

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN R. KINCAID,

Plaintiff,

v.

BANK OF AMERICA  
CORPORATION,

Defendant.

Civil Action No. 04-11522-WGY

PLAINTIFF'S SECOND REQUEST TO  
DEFENDANT FOR PRODUCTION OF DOCUMENTS

Pursuant to Fed.R.Civ.P. 34 and Local Rule 34.1, plaintiff hereby requests that defendant produce for inspection and copying the documents itemized below at the office of plaintiff's undersigned counsel within 15 days from the date of the service of this request.

Definitions and Instructions

1. In responding to this document request, defendant should be mindful of the definitions in Local Rule 26.5(C), which definitions are incorporated by reference into this document request pursuant to Local Rule 26.5(A). To help alert defendant to the applicability of these definitions, plaintiff is putting certain defined words into all capital letters.

2. Defendant should be mindful that this document request imposes a duty to supplement defendant's responses in the future pursuant to Fed.R.Civ.P. 26(e).

Itemization of Documents Requested

Plaintiff requests that defendant produce all documents in its possession, custody or control, or in the possession, custody or control of any persons acting at defendant's direction or on its behalf, within the scope of the following items.

1. All e-mails and other documents that discuss, describe, mention or refer to the termination, the reasons for the termination, or the supervisors involved in the termination (whether the termination was characterized as voluntary or involuntary) of the employment with defendant of any of the following:

- a. Herman C. Schaffer
- b. Alan D. Fitch
- c. Vel Kurjacovic
- d. Cindy Maggs
- e. Craig Giudici
- f. Brent Lewis

2. Alec Kotopoulos's personnel file.

3. Sheila Burroughs' personnel file.

4. All e-mails and other documents that discuss, describe, mention or refer to any charges, claims or complaints of discrimination, harassment or retaliation made by anyone at any time against any of the following:

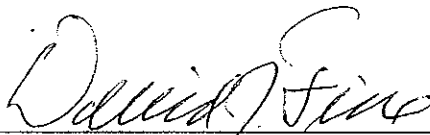
- a. Alec Kotopoulos;
- b. Sheila Burroughs;
- c. Vipin Mayar; or

d. Eric Montgomery.

5. All e-mails and other documents that discuss, describe, mention or refer to: (a) Sheila Burroughs' request to leave her position as customer satisfaction manager for a different position; (b) Sheila Burroughs' application for a position in customer service and support, a position in which Ms. Burroughs began to work in July 2003; (c) the posting of Ms. Burroughs' position as customer satisfaction manager; or (d) efforts to recruit a replacement to fill Ms. Burroughs' position as customer satisfaction manager.

6. All e-mails and other documents that discuss, describe, mention or refer to: (a) Allison Hart's request to leave her position in market research under Sheila Burroughs for a different position; (b) Allison Hart's application for a new position; (c) the posting of Allison Hart's soon-to-be former position; or (d) efforts to recruit a replacement to fill Ms. Hart's position.

Dated: August 1, 2005



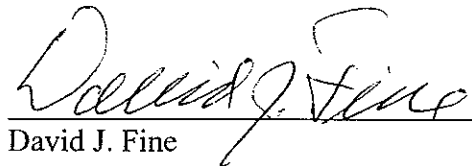
David J. Fine, BBO #165120  
Law Offices of David J. Fine  
3 Center Plaza, Suite 400  
Boston, MA 02108-2003  
(617) 720-2941

Attorney for Plaintiff

Certificate of Service

I hereby certify that I have this day served the foregoing by causing true copies thereof to be transmitted electronically and mailed, first class postage prepaid to, Richard F. Kane and Steven T. Ackermann, Esqs., McGuire Woods LLP, Bank of America Corporate Center, 100 North Tryon Street, Suite 2900, Charlotte, NC 28202, and to George P. Kostakos, Edwards & Angell, LLP, 2800 Financial Plaza, Providence, RI 02903, attorneys for defendant.

Dated: August 1, 2005

  
David J. Fine